Remarks/Arguments

The Applicants respectfully request reconsideration in light of the amendments made above and the arguments made below. Claims 1-36 were pending. Within the final Office action, claims 1-9, 12-14, and 28-36 are rejected under 35 U.S.C. § 101; claims 1-3, 5-12, 15-17, 19-26, 28-30, 32-34, and 36 are rejected under 35 U.S.C. § 102(e); and claims 13, 14, and 27 are rejected under 35 U.S.C. § 103(a). By way of the above amendments, claims 1, 2, 10, 13, 15, and 36 have been amended; claims 11, 14 and 28-35 have been canceled; and claims 37 and 38 have been added. Accordingly, claims 1-10, 12, 13, 15-27, and 36-38 are now pending.

Rejections under 35 U.S.C. § 101

Within the final Office Action, claims 1-9, 12-14, and 28-36 are rejected under 35 U.S.C. § 101 on the grounds that they are directed to non-statutory subject matter. The Applicants respectfully traverse these rejections.

Specifically, it is stated in the final Office Action that the disclosed invention is inoperative and therefore lacks utility:

> A system "configured to" perform a function does not necessarily perform said function, and therefore can be construed as being "inoperative." The claims in question are "configured to" perform transmission, receipt, and processing of messages. The claims in question never perform the functions; the systems are merely in a configuration that could allow these functions to be performed. If no function is performed—regardless of the configuration, then there is no tangible result.

In other words, a machine or other element (a system) is not allowable subject matter unless it is performing a function (i.e., recites process steps) and produces a tangible result. The Applicants disagree with this assertion, which misapplies the test for statutory subject matter.

Regardless, as explained below, claims 1 and 15 have been amended and, as amended, recite statutory subject matter. Accordingly, the rejection of these claims, and their dependent claims, under § 101 should be withdrawn.

Because claim 1 has been amended to recite a limitation in claim 11, it necessarily recites statutory subject matter, as do claims 2-9, 12, 13, and 36.

The previously pending claim 11, which recited a diagnostics server, was not rejected under 35 U.S.C. § 101 and was thus found to recite statutory subject matter. Claim 1 has been amended to recite a diagnostics server as recited in the previously pending claim 11 and is thus also directed to statutory subject matter. Because claims 2-9, 12, 13, and 36 all depend on claim 1, they too recite statutory subject matter. For at least these reasons, the rejections of claims 1-9, 12, 13, and 36 under 35 U.S.C. § 101 should be withdrawn.

Claims 1-9, 12, 13, and 36 recite statutory subject matter for at least a second reason: all occurrences of the limitation "configured to," found objectionable within the final Office action, have been replaced with either "programmed" or "structured."

Claims 14 and 28-35 have been canceled, so their rejections are moot.

Rejections under 35 U.S.C. § 102(e)

Within the final Office action, claims 1-3, 5-12, 15-17, 19-26, 28-30, 32-34, and 36 are rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 7,155,539 B2 to Vange et al. The Applicants respectfully traverse these rejections.

Vange is directed to a method for transmitting packets from a network computer onto a network. Using the method, data sets are combined in a way that depends on a priority associated with each data set, and the composite data set is transmitted onto the network. (Vange, Abstract) At column 7, line 63, to column 8, line 6, cited within the final Office action as disclosing a diagnostics server, Vange discloses a front-end manager component 207 that communicates with multiple front ends 201 to provide administrative and configuration information to the front ends 201. Vange discloses that the front ends 201 can store IP addresses, information for prioritizing data from and to particular clients, quality of service information, and the like. Vange does not disclose a diagnostics server as recited in claims 1 and 15 of the present invention.

Claim 1 is directed to a message-passing system that includes a first client system, a diagnostics server, and a second client system. The first client system is coupled to a semiconductor processor system and programmed to transmit a message packet containing a priority corresponding to a state of the semiconductor processing system. The diagnostics server is coupled to the first client system and is programmed to store log data corresponding to the message packet and to map an error code corresponding to the state to a corrective action. The

second client system is programmed to receive the message packet transmitted from the first client system and process the message packet in an order relative to other message packets based on the priority.

Vange does not disclose a first client system coupled to a semiconductor processor system and programmed to transmit a message packet containing a priority corresponding to a state of the semiconductor processing system. Nor does Vange disclose a diagnostics server coupled to the first client system and programmed to store log data corresponding to the message packet and to map an error code corresponding to the state to a corrective action. For at least these reasons, claim 1 is allowable over Vange, and its rejection should be withdrawn.

No new matter has been added by the amendments to claim 1. The added limitation of a first client system "coupled to a semiconductor processor system" finds support in the previously pending claims 13 and 14. The added limitation of a first client system programmed to transmit a message packet containing a priority "corresponding to a state of the semiconductor processing system" finds support in the original application, such as in Figure 7 (state is, for example, time for maintenance, blown gasket, power outage) and the associated text. The added limitation of a diagnostics server coupled to the first client system, such that the diagnostics server is programmed to store log data corresponding to the message packet and to map an error code corresponding to the state to a corrective action, finds support in the original application, such as in the previously pending claim 11.

Claims 2, 3, 5-12, and 36 all depend on claim 1 and accordingly are all allowable as depending on an allowable base claim. Accordingly, the rejections of claims 2, 3, 5-12, and 36 should also be withdrawn.

Claim 15 is directed to a method of passing a message packet between a first client system and a second client system. The method includes, among other things, generating the message packet containing a priority on the first client system, such that the priority corresponds to a state of a semiconductor processing system, and transmitting the message packet from the first client system to the second client system and a diagnostics server, wherein the diagnostics server includes a data store mapping the priority to a corrective action. Vange does not disclose transmitting a message packet from a first client system to a second client system and a diagnostics server, such that the diagnostics server includes a data store mapping the priority to a corrective action. For at least this reason, claim 15 is allowable over Vange, and its rejection should be withdrawn.

No new matter has been added by the amendments to 15. The added limitation "wherein the priority corresponds to a state of a semiconductor processing system" finds support in the original application, such as in Figure 7 and the associated text. The added limitation of a diagnostics server that includes a data store mapping the priority to a corrective action finds support throughout the application, such as in the previously pending claim 11.

Claims 16, 17, and 19-26 all depend on claim 15 and are thus all allowable as depending on an allowable base claim. Accordingly, the rejections of claims 16, 17, and 19-26 should be withdrawn.

Claims 32-34 are all canceled, so their rejections are now moot.

The new claim 37 depends on claim 1. Because claim 1 is allowable, claim 37 is allowable as depending on an allowable base claim. Claim 37 does not add new matter, finding support in the original application at, for example, page 13, lines 21-27, and page 14, lines 9-13.

The new claim 38 depends on claim 15. Because claim 15 is allowable, claim 38 is allowable as depending on an allowable base claim. Claim 38 does not add new matter, finding support in the original application at, for example, page 9, line 24, to page 10, line 1.

Rejections under 35 U.S.C. § 103(a)

Claims 13-14 and 27

Within the final Office Action, claims 13, 14 and 27 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Vange in view of U.S. Patent No. 6,671,570 to Schulze. The Applicants respectfully traverse these rejections.

Vange has been characterized above. Schulze is directed to a method for monitoring and assessing operation of a semiconductor fabrication facility. Schulze discloses publishing messages over a system bus. Schulze does not disclose a diagnostics server coupled to a client system and programmed to store log data corresponding to a message packet and to map an error code corresponding to a state of a semiconductor processing system to a corrective action, as substantially recited in claims 1 and 15. As explained above, Vange does not disclose this element either. For at least this reason, claims 1 and 15 are both allowable over Vange, Schulze, and their combination.

Claim 13 depends on claim 1 is thus allowable as depending on an allowable base claim. Claim 14 has been canceled, so its rejection is now moot. Claim 27 depends on claim 15 and is

thus also allowable as depending on an allowable base claim. Accordingly, the rejections of claims 13 and 27 should be withdrawn.

Claims 4, 18, 31, and 35

Within the final Office Action, claims 4, 18, 31, and 35 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Vange in view of U.S. Patent No. 7,225,271 to DiBiaso et al. The Applicants respectfully traverse these rejections.

Vange has been characterized above. DiBiaso is directed to a "system that assigns network traffic flows to appropriate queues and/or queue servicing algorithms based upon one or more flow parameters contained in reservation requests associated with the traffic flows." (DiBiaso, Abstract) DiBiaso does not disclose a diagnostics server coupled to a client system and programmed to store log data corresponding to a message packet and to map an error code corresponding to a state of a semiconductor processing system to a corrective action, as substantially recited in claims 1 and 15. As explained above, Vange does not disclose this element either. For at least this reason, claims 1 and 15 are both allowable over Vange, DiBiaso, and their combination.

Claims 4 and 18 both depend on claim 1 are thus both allowable as depending on an allowable base claim. Accordingly, the rejections of claim 4 and 18 should be withdrawn.

Claims 31-35 have been canceled, so their rejections are now moot.

CONCLUSION

The Applicants believe that claims 1-10, 12, 13, 15-27, and 36-38 are in condition for allowance, and allowance at an early date would be appreciated. If the Examiner believes that a telephone conference would expedite prosecution of this application, he is encouraged to call the undersigned at (408) 530-9700.

Respectfully submitted,

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Dated: 12-31-07

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